



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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LITIGATION BUREAU

June 5, 2024

VIA ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application **GRANTED**. The pre-motion conference scheduled for July 3, 2024 is adjourned to **August 21, 2024, at 4:20pm**. Any pre-motion letters shall be submitted no later than **August 7, 2024**. If no pre-motion letter is timely filed, this conference will be canceled and the matter placed on the Court's trial-ready calendar.

Dated: June 6, 2024

New York, New York

Re: *Carey v. New York State Dep't of Health et al.*, No. 23-cv-3061 (LGS)

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

This Office represents Defendants the New York State Department of Health and Joshua Vinciguerra in the above-captioned action. I write to (1) provide a joint letter apprising the Court of the status of discovery, pursuant to the Court's Order dated April 8, 2024 (*see* ECF No. 97), and (2) request on behalf of all parties that the pre-motion conference for dispositive motions, currently scheduled for July 3, 2024 (*see* ECF No. 95), be postponed until after the close of discovery.

As reiterated in the Court's Order dated May 8, 2024, fact discovery closed on April 5, 2024. *See* ECF No. 104.

The deadline for expert discovery is August 7, 2024. *See* ECF No. 99 (April 24, 2024 Order). Pursuant to the Court's April 24, 2024 Order, the parties conferred regarding the timing of the expert report and rebuttal report (*id.*), and the parties agreed upon the following expert discovery schedule:

Plaintiff's Expert Report(s): June 17

Disclosure of all materials relied on by Plaintiff's Expert(s): June 17

Defendants' Rebuttal Report(s): July 29

Expert Deposition deadline: August 7

As noted above, a pre-motion conference for dispositive motions is scheduled for July 3, 2024, and pre-motion letters for summary judgment motions are due June 19, 2024. *See* ECF No. 95 (March 20, 2024 Case Management Plan). If the pre-motion conference continues as scheduled, then all Defendants are prepared to file pre-motion letters on June 19, 2024. However, the parties request that the Court postpone the filing of the pre-motion letters for summary judgment motions and the pre-motion conference until after the close of expert discovery because, given staffing

constraints, it would be difficult to brief summary judgment concurrently with conducting expert discovery, including taking expert depositions.

Thank you for Your Honor's time on this matter.

Respectfully submitted,

/s/ Erin R. McAlister

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